

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
v.                             )     No. 4:12CR472 RWS  
                                  )  
MICHAEL SMITH, et al.,     )  
                                  )  
Defendants.                 )

**ORDER**

The above matter is referred to the undersigned pursuant to 28 U.S.C. § 636(b) for pretrial matters. On April 8, 2013, Defendant Smith filed a motion for competency evaluation. Based on Defendant's motion, the undersigned found that the Defendant may be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and granted the Defendant's motion for a mental health evaluation to be done locally by an expert of Defendant's choosing. Presently pending is a motion of the Defendant for an extension of time to complete the evaluation. In support of the motion, counsel for the Defendant states that it took some time to gather relevant records for the expert, and that the expert's schedule was such that the evaluation has only recently begun. For these reasons, counsel for the Defendant states that an additional thirty (30) days is necessary to complete the evaluation.

Therefore,

**IT IS HEREBY ORDERED** that the Motion for Extension of Time to File Competency Evaluation Report [ECF No. 61] be **granted**.

**IT IS FURTHER ORDERED** that, pursuant to 18 U.S.C. § 3161(h)(1)(A) and for the reasons stated in support, the Defendant's request for an additional thirty (30) days to complete the examination should be excluded from computing the time within which the trial of the offense must commence.

/s/ Terry I. Adelman

UNITED STATES MAGISTRATE JUDGE

Dated this 12th day of June, 2013.